

An. Code, 1924, sec. 21. 1912, sec. 21. 1904, sec. 21. 1888, sec. 21. 1831, ch. 304.

22. But as against all creditors who have become so before the recording of such deed or conveyance, and without notice of the existence thereof, such deed or conveyance shall have validity and effect only as a contract for the conveyance or assurance of the estate, interest or use, purported by such deed or conveyance to be conveyed or assured.

Instrument in form and effect a deed of trust, held deed for purpose of this section and sec. 20. Effect of deed under this section. *Kinsey v. Drury*, 146 Md. 230.

This section referred to in dissenting opinion; equitable title to mortgage debt. *Baltimore v. Harper*, 148 Md. 241.

Since a deed recorded after the six months has validity and effect under this section as a contract for the conveyance of the property, the whole equitable estate has passed from the grantor to the grantee and the interest remaining in the grantor is not subject to execution on a judgment secured against him after the execution of the contract but before the recording of the deed. *Cramer v. Roderick*, 128 Md. 425.

And see *In re Bowling Const. Corp.*, 19 F. (2nd), (D. Ct. Md.), 606. [Affirmed in *Sapero v. Neiswender*, 23 F. (2nd), (C. C. A. 4th), 403.]

Though an attaching creditor of a mortgagee becomes such prior to the assignment of the mortgage and without notice thereof, such assignment, while unrecorded, is effective from its date as a contract for a conveyance against which the attachment claim cannot prevail. *Getz v. Johnston*, 143 Md. 549.

A deed not recorded as provided in sec. 14, does not affect existing creditors or creditors becoming such between the date of the deed and the date of its record. As to such creditors without notice, the deed is valid and effective only as a contract for the conveyance. Creditors held not to be charged with notice, by possession or otherwise. *Hearn v. Purnell*, 110 Md. 466. And see *Hoffman v. Gosnell*, 75 Md. 590; *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

This section does not impair the rights of parties claiming under a trust, nor equitable rights and liens. *Carson v. Phelps*, 40 Md. 100.

This section has no application to a question of priority between a mortgage and a judgment. Mortgages are especially excepted from its operation. *Knell v. Green St. Bldg. Assn.*, 34 Md. 72.

This section does not affect the rule established by previous sections, that title does not pass until the deed is recorded. *Nickel v. Brown*, 75 Md. 187.

This section referred to in construing secs. 103 and 106—see notes to sec. 106. *Eden St. Bldg. Assn. v. Lusby*, 116 Md. 177.

Cited but not construed in *Coombs v. Jordan*, 3 Bl. 325.

See notes to sec. 20.

An. Code, 1924, sec. 22. 1912, sec. 21A. 1916, ch. 618.

23. Whenever by reason of the failure to record any deed or other conveyance within six months from its date, any creditors of the grantor in such deed or other conveyance become, under the statutes of Maryland, entitled to assert their claims against the property conveyed by such deed or other conveyance or any interest therein, such creditors shall proceed in a court of equity (without the necessity of prior proceedings at law) to obtain a decree for the sale of such property or any interest therein within six months after the recording of such deed or other conveyance, or be thereafter absolutely barred from asserting their claims against such property or any interest therein. In the case of deeds or other conveyances now on record, which have been recorded after six months from their date, such proceedings shall be taken within six months from June 1, 1916. For the purpose of this section, the true date of a deed or other conveyance of real or leasehold property or any interest therein, from which date the six months period must be counted, shall be deemed to be the date of the acknowledgment of the same; and in case of several acknowledgments made at different times, the true date shall be the date of the acknowledgment which is last in point of time. For the purpose of asserting their rights under this Article, the claims of creditors of the grantor not due at the date of the recording of the deed shall be considered as due and enforceable at such date. This section shall not affect the rights of creditors to assert